

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 187 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ARJUN ADARSINGH BARIA

Versus

STATE OF GUJARAT

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Appearance:

THROUGH JAIL for Petitioner  
MR KAMAL MEHTA, ADDL.PUBLIC PROSECUTOR  
for Respondent No. 1

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CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 19/03/98

ORAL JUDGEMENT

Rule. Mr. Kamal Mehta, learned APP waives the service of rule for and on behalf of the State of Gujarat.

2. The petitioner, at present in jail undergoing sentence of the offence of murder, prays for being released on Furlough.

3. The learned APP opposing this application submits that if the petitioner is released on Parole, he would misuse his liberty and may cause harm to the widow or relatives of the person murdered. The Police has accordingly instructed the Ld.A.P.P. because of the statements, it has recorded. Except Savitaben Laxmanbhai the widow, no one has expressed the apprehension of the possibility of misusing liberty and creating tension of feeling of insecurity in particular section of the society, other witnesses have, on the contrary, supported the petitioner stating that his release would create no problem, and law and order will not be disturbed. It seems that the apprehension of the Police & Savitaben, is either prejudicial or imaginery. It may be stated that Jail authorities have, on the contrary, recommended the case of the petitioner making a report that uptill now the conduct of the petitioner in Jail is quite good and nothing adverse is noticed. In view of the fact, the petitioner is required to be released on Furlough. The application for the aforesaid reason is allowed. The petitioner is ordered to be released on Furlough for FOURTEEN days from the date of his release, on the following conditions that he shall

- (a) make necessary declaration before the Jail Authority;
- (b) execute the bond of Rs.500/- with the surety of the like amount or deposit in cash the sum of Rs. 500/- (Rupees: Five hundred only) before the Jail authority.
- (c) reside within the local limits of his Village in Panchmahals District and would inform the Jailor the name of his village.
- (d) furnish the detailed address of his residence to the Jailor;
- (e) mark his presence on every 2nd day between 9.00 a.m. and 2.00 p.m. before the KALOL Police Station of Baroda District. Police Station.
- (f) give name with full details of his relative, ready to be the surety;
- (h) provide other particulars as per the requirements of rules, if called upon to provide by Jail authority.

3. The Jail authority shall intimate the concerned authorities. In case of breach is committed, it will be open to the Jail authority to forfeit the amount of bond or the sum deposited.

4. Rule is made absolute accordingly. Direct service is permitted. Writ be sent to Baroda Central Prison at Baroda.

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(ccs)